UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 10 AM 9:19

UNITED STATES OF AMERICA,	'08 MJ 1799
Plaintiff,	Magistrate Case No.________
v.	COMPLAINT FOR VIOLATION OF
Hilario A. FLORES-Osuna **AKA: Hilario A. FIGUEROA-Osuna**	Title 8, U.S.C., Section 1326
Defendant.	Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about **June 9, 2008**, within the Southern District of California, defendant **Hilario A. FLORES-Osuna AKA: Hilario A. FIGUEROA-Osuna**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **Otay Mesa, California, Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **10th** DAY OF **JUNE, 2008.**

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On June 9, 2008, at approximately 8:10 AM, **Hilario Abraham FLORES-Osuna AKA: Hilario A. FIGUEROA-Osuna (Defendant),** attempted entry without inspection into the United States through the Otay Mesa, California Port of Entry. Defendant was seen attempting to enter the United States while riding a bicycle traveling northbound via the southbound lanes of highway 905. United States Customs and Border Protection (CBP) Officers commanded Defendant to stop but Defendant failed to comply and instead attempted to run the bicycle into a CBP Officer. Defendant was eventually apprehended and escorted to secondary for further inspection.

In secondary, Defendant was queried by fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS returned a match to the query revealing Defendant's identity and linking him to FBI and Immigration Service records.

Queries through the Central Index System (CIS) and the Deportable Alien Control System (DACS) identify Defendant as a citizen of Mexico without legal rights or documents to enter the United States. DACS records indicate Defendant was ordered removed from the United States by an Immigration Judge on or about June 3, 2008 and was physically removed from the United States via Calexico, California on the same date. Immigration records contain no evidence that Defendant has applied for, or received permission from the Attorney General or the Secretary of Homeland Security to legally re-enter the United States.